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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of

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Amendment of § 73.202(b))
 Table of Allotments,) RM -
 FM Broadcast Stations)
 (Milledgeville, Georgia))

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

To: Chief, Policy and Rules Division
 Mass Media Bureau

PETITION FOR RULE MAKING

Radio Perry, Inc. ("Radio Perry"), by its attorneys, hereby respectfully requests the Commission to issue a Notice of Proposed Rule Making looking toward the amendment of Section 73.202(b) of its Rules as follows:

<u>Community</u>	<u>Channel Allotment</u>	
	<u>Present</u>	<u>Proposed</u>
Milledgeville, GA	264C3	264A

In support of this request, the following is stated:

Radio Perry is licensee of FM broadcast station WPGA-FM, Perry, Georgia, which serves the community of Perry and the surrounding area on Channel 265A. Radio Perry's service is severely constrained, however, because it must operate its Class A facility with an Effective Radiated Power ("ERP") of only 3 kw. As the Commission recognized when it modified its rules to permit

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Class A operations with an ERP of 6 kw, stations broadcasting with 3 kw are at a substantial disadvantage when competing with higher-powered stations, which affects their financial viability and their ability to serve the public. Second Report and Order, MM Docket No. 88-375, released August 18, 1989 (4 FCC Rcd 6375). Needless to say, operation of a 3 kw Class A facility has become even more difficult now that other Class A facilities have doubled their power. Radio Perry therefore wishes to increase its ERP to 6 kw, as generally authorized by the Commission's rules.

As demonstrated by the attached report by Bromo Communications, Inc., Petitioner's consulting engineers, such increase in WPGA-FM's authorized ERP will not conflict with any other existing or proposed FM channel allotment, if the channel currently allotted to Milledgeville, Georgia, is deemed to be Channel 264A rather than Channel 264C3 and Section 73.202(b) is amended to reflect that fact.

In this regard, it should be noted that Channel 264C3 was allotted to Milledgeville pursuant to the request of Preston W. Small, licensee of Station WLRR(FM), who represented that he would promptly modify his facilities and operate on Channel 264C3 if his petition to upgrade the Milledgeville channel were granted. The requested upgrade subsequently was granted by the Chief, Allocations Branch, in MM Docket No. 89-547, by Report and

Order released June 28, 1991 (6 FCC Rcd 3753), subject to, inter alia, the following condition:

(a) Within 90 days of the effective date of this Order, the permittee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility.

The effective date of the Order, as stated therein, was August 12, 1991, i.e., over one and one-half years ago. No application, however, has ever been filed.¹

In view of the fact that the condition specified in the June 28, 1991 Report and Order never has been satisfied, the deletion of Channel 264C3 and the re-specification of Channel 264A as Milledgeville's allotted frequency should be automatic, thus clearing the way for an application to increase power on the part of Radio Perry. If, however, a rule making is required before the Milledgeville channel and the WLRR(FM) license are restored to their Class A status, such rule making should be commenced

¹ The Report and Order also allotted Channel 266A to Hannahs Mill, Georgia, but such action was reconsidered and the allotment deleted by Memorandum Opinion and Order, released June 18, 1992 (7 FCC Rcd 3944). The Report and Order also reflected the withdrawal of Radio Perry's request to upgrade its channel to 265C3. Radio Perry had filed its petition in light of an earlier petition by WLRR(FM) which proposed the relocation of the WLRR(FM) site. When WLRR(FM) withdrew that earlier proposal, Radio Perry also withdrew its request because the upgrade it had requested would then have required an undesirable site restriction.

promptly, so that Radio Perry, which is ready and willing to upgrade its service to the public, will have an opportunity to do so.

In view of the foregoing, it is respectfully submitted that the Commission should amend its Table of Allotments (Section 73.202(b)) as requested herein.

Respectfully submitted,

RADIO PERRY, INC.

By:


Eric S. Kravetz

Brown, Nietert & Kaufman,
Chartered
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(202) 887-0600

Its Attorneys

March 30, 1993
ESK:RadioGA.pet:BJ

TECHNICAL STATEMENT
RADIO PERRY, INC.
265A - 100.9 MHZ
PERRY, GEORGIA
March 1993

This Statement is being provided on behalf of Radio Perry, Inc., licensee of WPGA-FM Radio Station, Perry, Georgia. WPGA wishes to increase to a full 6.0 kW equivalent Class A station. The only impediment to this increase is the vacant C3 allocation at Milledgeville, Georgia, which is reserved for WLRR-FM through Docket #89-547. Attached as Exhibit #1 is the allocation study indicating the Milledgeville C3 shortage. WPGA clears all other allocation constraints.

We have tried to be as accurate as possible in the preparation of this report. Should there be any questions concerning the information contained herein, we welcome the opportunity to discuss the matter by phone (912) 638-5608.

RADIO PERRY, INC.
SEARCHING AT PRESENT SITE

REFERENCE
32 33 20 N
83 44 14 W

CLASS A
Current rules spacings
CHANNEL 265 -100.9 MHz

DISPLAY DATES
DATA 02-24-93
SEARCH 03-25-19

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WPGA FM LI CN	265A 32 33 20	Perry 83 44 14	GA 2.250 kW	0.0 108M	0.00 0.0	114.5 71.2	-114.50 *
Radio Perry, Inc. BLH840511DN							
AL OPEN AL N	264C3 33 05 24	Milledgeville 83 06 04	GA 0.000 kW	45.1 0M	84.03 52.2	88.5 55.0	-4.47 *
>Site restricted-Effective 08-12-91-Reserved for WLRR per D89-547							
AD266 AD	266A 32 54 08	Thomaston 84 23 13	GA 0.000 kW	302.3 0M	72.02 44.8	71.5 44.4	0.52 <
Good Medicine Radio, Ga. Inc.							
WQIL.C CP CN	267C2 32 21 37	Chauncey 83 08 28	GA 50.000 kW	111.1 150M	60.09 37.3	54.5 33.9	5.59
Chauncey Broadcasting, Inc. BPH891206MI							
WLRR LI CN	264A 33 06 50	Milledgeville 83 13 08	GA 3.000 kW	38.1 100M	78.67 48.9	71.5 44.4	7.17
Preston W. Small BLH900913KB							
>*To channel 264C3 per D89-547							
WLYU LI CN	265A 32 06 48	Lyons 82 23 52	GA 3.000 kW	111.2 100M	135.31 84.1	114.5 71.2	20.81
Thompson Radiobroadcasting Co BLH890124KB							
WCJM.C CP ZCN	265A 32 53 48	West Point 85 09 24	GA 6.000 kW	285.9 54M	138.34 86.0	114.5 71.2	23.84
Radio Valley, Inc. BPH910801IE							
WCJM LI CN	265A 32 53 42	West Point 85 09 32	GA 1.850 kW	285.8 72M	138.48 86.1	114.5 71.2	23.99
Radio Valley, Inc. BLH6035							

ALLOCATION STUDY

THE ONLY IMPEDIMENT TO WPGA 6 KW OPERATION
IS THE 264C3 ALLOCATION AT MILLEDGEVILLE,
GEORGIA.

EXHIBIT #1

TECHNICAL EXHIBIT
RADIO PERRY, INC.
265A - 100.9 MHZ
PERRY, GEORGIA

MARCH 1993

BROMO
COMMUNICATIONS
BROADCAST
TECHNICAL CONSULTANTS
St Simons Island, Georgia Washington, D.C.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

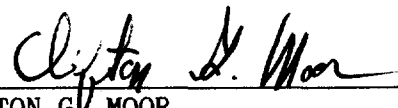
State of Georgia)
St. Simons Island) ss:
County of Glynn)

CLIFTON G. MOOR being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Radio Perry, Inc., licensee of Radio Station WPGA-FM, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in broadcast engineering since 1966.

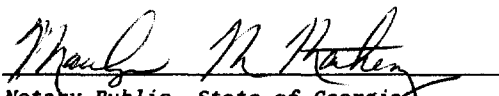
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 25th day of March, 1993.



CLIFTON G. MOOR
Affiant

Sworn to and subscribed before
me this the 25th day of March, 1993.

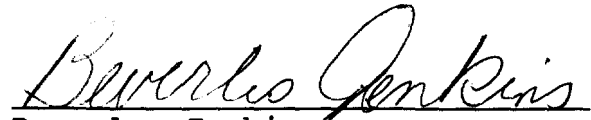


Notary Public, State of Georgia
My Commission Expires: September 8, 1995

CERTIFICATE OF SERVICE

I, Beverles Jenkins, a secretary in the law firm of Brown, Nietert & Kaufman, Chartered, do hereby certify that on this 30th day of March, 1993, I caused copies of the foregoing "PETITION FOR RULE MAKING" to be sent via U.S. Mail, postage pre-paid to the person named below:

Timothy E. Welch, Esq.
Law Offices of Dean, George, Hill
and Welch
1330 New Hampshire Avenue, N.W.
Suite 113
Washington, D.C. 20036


Beverles Jenkins